

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LEANNE J. HENSLEY,

Plaintiff,

v.

Case No. 3:20-cv-00859-JR

**OREGON DEPARTMENT OF
JUSTICE,**

OPINION AND ORDER

Defendant.

MOSMAN, J.,

On June 8, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 9] recommending that Plaintiff’s Motion for Change of Judge [ECF 8] should be denied. Plaintiff objected [ECF 13].¹

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

¹ As of the writing of this Opinion and Order, Defendants have not appeared in this case.

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT the F&R [9] in full. I DENY Plaintiff's Motion for Change of Judge [8].

IT IS SO ORDERED.

DATED this 10 day of July, 2020.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge